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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

Rapporteur: Ms. Denise **McQuade** (Ireland)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 22nd, 30th and 34th meetings, on 27 October and on 3 and 12 November 2009. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/64/SR.22, 30 and 34). Attention is also drawn to the general debate held by the Committee at its 2nd to 7th meetings, from 5 to 7 October (see A/C.2/64/SR.2-7).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant chapters of the report of the Economic and Social Council for 2009;[1]

(b) Note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian

[1] A/64/3; for the final text see *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 3* (A/64/3/Rev.1).

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people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan (A/64/77-E/2009/13);

(c) Letter dated 30 September 2009 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/64/489).

4. At the 22nd meeting, on 27 October, the Director of the United Nations Regional Commissions New York Office made an introductory statement (see A/C.2/64/SR.22).

5. At the same meeting, pursuant to section C, paragraph 3 (d), of General Assembly resolution 58/316, the Committee held a dialogue with the representative of the Secretariat, during which comments were made and questions were posed by the representative of the Syrian Arab Republic and the observer for Palestine, to which the Director of the Regional Commissions New York Office responded (see A/C.2/64/SR.22).

II. Consideration of draft resolution A/C.2/64/L.12

6. At the 30th meeting, on 3 November, the representative of Egypt, on behalf of Algeria, Bahrain, Djibouti, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine,[2] introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/64/L.12). Subsequently, Bolivia (Plurinational State of), the Comoros, Cuba, Ecuador, the Libyan Arab Jamahiriya, Senegal, South Africa and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

7. At the 34th meeting, on 12 November, the Secretary of the Committee orally corrected footnote 7 of the draft resolution.

8. At the same meeting, the Committee was informed that the draft resolution had no programme budget implications.

9. Also at the same meeting, the representative of Egypt informed the Committee that Brunei Darussalam, Namibia and Pakistan had joined in sponsoring the draft resolution.

10. Also at its 34th meeting, the Committee adopted draft resolution A/C.2/64/L.12, as orally corrected, by a recorded vote of 152 to 9 with 3 abstentions (see para. 13). The voting was as follows:[3]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria,

[2] In accordance with General Assembly resolution 52/250.

[3] Subsequently, the delegations of the Dominican Republic, Ecuador, Ethiopia and Kazakhstan indicated that, had they been present, they would have voted in favour and the delegation of Fiji indicated that it had intended to abstain.

Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Fiji, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Côte d'Ivoire, Panama.

11. Before the vote, a statement in explanation of vote was made by the representative of Israel (see A/C.2/64/SR.34).

12. Also at the 34th meeting, a statement was made by the observer for Palestine (see A/C.2/64/SR.34).

III. Recommendation of the Second Committee

13. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 63/201 of 19 December 2008, and taking note of Economic and Social Council resolution 2009/34 of 31 July 2009,

Recalling also its resolutions 58/292 of 6 May 2004 and 59/251 of 22 December 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling, in this regard, the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[3] and recalling further its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its grave concern at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] See resolution 2200 A (XXI), annex.

[3] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Territory, including the uprooting of a vast number of fruit-bearing trees and the destruction of farms and greenhouses,

Expressing its concern at the widespread destruction caused by Israel, the occupying Power, to vital infrastructure, including water pipelines and sewage networks, in the Occupied Palestinian Territory, in particular in the Gaza Strip in the recent period, which, inter alia, pollutes the environment and negatively affects the water supply and other natural resources of the Palestinian people,

Taking note in this regard of the recent report by the United Nations Environment Programme regarding the grave environmental situation in the Gaza Strip,[4] and stressing the need for follow-up of the recommendations therein,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire socio-economic consequences in this regard,

Aware also of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect as well on the economic and social conditions of the Palestinian people,

Reaffirming the need for the resumption and advancement of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace, the Arab Peace Initiative,[5] and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6] as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003 and supported by the Council in its resolution 1850 (2008) of 16 December 2008, for the achievement of a final settlement on all tracks,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of settlements therein in the context of the road map,

Stressing the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions

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[4] United Nations Environment Programme, *Environmental Assessment of the Gaza Strip following the Escalation of Hostilities in December 2008-January 2009* (Nairobi, 2009).

[5] A/56/1026-S/2002/932, annex II, resolution 14/221.

[6] See S/2003/529, annex.

of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,[7]

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

2. *Demands* that Israel, the occupying Power, cease the exploitation, damage, cause of loss or depletion of, or endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Stresses* that the wall being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law and is seriously depriving the Palestinian people of their natural resources, and calls in this regard for full compliance with the legal obligations mentioned in the 9 July 2004 advisory opinion of the International Court of Justice[3] and in resolution ES-10/15;

5. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

6. *Also calls upon* Israel, the occupying Power, to cease all actions harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

7. *Further calls upon* Israel to cease its destruction of vital infrastructure, including water pipelines and sewage networks, which, inter alia, has a negative impact on the natural resources of the Palestinian people;

8. *Requests* the Secretary-General to report to it at its sixty-fifth session on the implementation of the present resolution, and decides to include in the provisional agenda of its sixty-fifth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

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[7] A/64/77-E/2009/13.